

**MEMO ENDORSED**

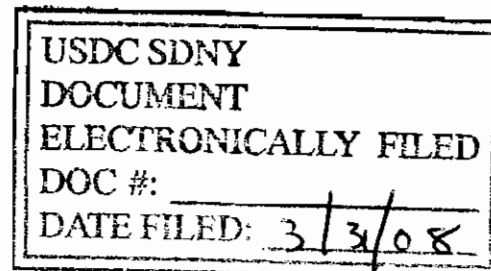
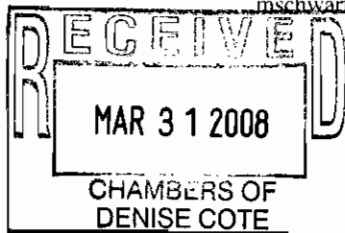
**BUTLER RUBIN SALTARELLI & BOYD LLP**

March 28, 2008

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**BY U.S. FIRST CLASS MAIL**

Hon. Denise L. Cote  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Suite 1040  
New York, NY 10007



Re: *Wilner, et al. v. National Security Agency, et al.*, 07-cv-3883-DLC

Dear Judge Cote:

We represent the Plaintiffs in the above-referenced action. We write to request a modification of the briefing schedule previously agreed by the parties, which was endorsed as modified by the Court on February 27, 2008. In particular, we respectfully request the following:

1. the deadline for Plaintiffs' opposition to the Government's motion for partial summary judgment on the "Glomar" defense be extended from April 15, 2008 to May 6, 2008; and
2. the deadline for the Government's reply in support of that motion be extended from May 6, 2008 to May 27, 2008.

Counsel for the Government has confirmed that he has no opposition to this requested relief.

As the Court may recall, the Plaintiffs in this case are more than twenty individual attorneys who seek, *inter alia*, information relating to the National Security Administration's warrantless surveillance program. The number of Plaintiffs involved in this case will require a coordinated effort among them to adequately respond to the Government's motion, to compile declarations in opposition, and to sign off on the brief in opposition. Given the logistics of coordinating this effort, the Plaintiffs believe additional time will be needed to finalize their opposition to the pending motion.

The Plaintiffs believe, and counsel for the Government agrees, that the required extension will not prejudice any of the Parties or unduly delay these proceedings. Accordingly, the Plaintiffs respectfully request that the Court extend the remaining




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briefing on the Government's "Glomar" motion as set forth above. We appreciate the Court's consideration of this request.

Sincerely,



Mark A. Schwartz

cc: Alexander Haas

*So ordered. There shall be  
no further extension of  
the May 6 date.*

*Denise Cote  
March 31, 2008*